

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Susan Shoemaker,
Plaintiff,

v.

Chelcie McConnell and Stacey McConnell,
Defendants.

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No.: 08-cv-014 SLR

**PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS FOR LACK
OF PERSONAL JURISDICTION**

BEVERLY L. BOVE, ATTORNEY AT LAW

/s/ Vincent J. X. Hedrick, II

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DATED: April 30, 2008

Attorneys for Defendant: Stephen P. Casarino, Esquire
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COMES NOW, the Plaintiff, by and through her undersigned attorney, Beverly L. Bove, Attorney at Law, and hereby opposes the Defendants' Motion to Dismiss for Lack of Personal Jurisdiction, for the following reasons:

1. Plaintiff is a Delaware resident residing at 624 Pepperbush Court, Wilmington, DE 19808.
2. Plaintiff sustained serious injuries as a result of an automobile collision and is treating in Delaware for those injuries with Leo W. Rasis, M.D., Edward J. McConnell, III, M.D., Stacy Cohen, D.C., Limestone Medical Center, and Pro Physical Therapy.
3. All witnesses regarding Plaintiff's medical condition, treatment and injuries and damages are located in Delaware.
4. Liability in this case is clear. The Defendants rear-ended the Plaintiff, causing serious injuries to the Plaintiff.

5. This is the appropriate forum for resolution of Plaintiff's claims as Defendants cannot show overwhelming hardship. See, Ison v. DuPont, 729 A.2d 832 (Del Supr. 1999); Travelers v. Lake, 594 A.2d 38 (Del. Supr. 1991).

6. Defendants are insured through a liability insurance policy with State Farm Mutual Automobile Insurance Company.

7. State Farm Mutual Automobile Insurance Company is licensed to do business in the State of Delaware.

8. As a result of that policy, State Farm Mutual Automobile Insurance Company hires counsel and defends individuals responsible for causing injuries to Plaintiffs in Delaware.

9. By entering into a contract with a Delaware business for insurance, the Defendants have sufficient contacts to meet the requirements for this Court to exercise personal jurisdiction over them.

10. In Boone v. Partek, 724 A.2d 1150 (Del Super. 1997) affirmed, 1998 LEXIS 62, (Del. Supr. February 2, 1998) the Supreme Court of the State of Delaware affirmed the Superior Court's exercise of personal jurisdiction over a Finnish Corporation under similar circumstances. In Boone, Defendant Partek was a Finnish Corporation. Partek never had a presence in Delaware. However, Partek consulted with and sold its products through a Canadian company, Huxley, which had contacts with Delaware. The Court determined that through its agent, Huxley, Partek had sufficient minimum contacts with Delaware to exercise jurisdiction over it.

11. Here, the Defendants have sufficient contacts by entering into an insurance contract which covers liability for Plaintiff's injuries here in Delaware, and as such, the Defendants, through their agent, State Farm Mutual Automobile Insurance Company, have sufficient contacts with the State of Delaware for this Court to exercise jurisdiction over the Defendants.

WHEREFORE, for these reasons, Plaintiff respectfully requests this Honorable Court deny the Defendant's Motion to Dismiss for Lack of Personal Jurisdiction.

BEVERLY L. BOVE, ATTORNEY AT LAW

/s/ Vincent J. X. Hedrick, II
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ORDER

AND NOW, TO WIT, having duly considered Defendants' Motion to Dismiss for Lack of Personal Jurisdiction and the Plaintiff's Opposition thereto;

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss for Lack of Personal Jurisdiction in hereby DENIED.

IT IS SO ORDERED this _____ day of _____, 2008.

J.

CERTIFICATE OF SERVICE

I, Vincent J. X. Hedrick, II, Esquire, hereby certify that on the 30th day of April, 2008, I caused two copies of Plaintiff's Opposition to Defendants' Motion to Dismiss for Lack of Personal Jurisdiction to be served via hand delivery, upon:

Stephen P. Casarino, Esquire
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899

BEVERLY L. BOVE, ATTORNEY AT LAW

/s/ Vincent J. X. Hedrick, II
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